

**UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF MASSACHUSETTS**

Emilio Ramos
Petitioner:

AFFIDAVIT

V. Civil No. 04-11731-DPW
Civil No. 98-11857-DPW
(Criminal No. 93-10253-DPW)

UNITED STATES OF AMERICA,
Respondent:

I, Emilio Ramos, hereby make the following statement under
Penalty of Perjury:

(1) On December 12,2000 I was arrested Pending state charges
for Criminal Possession of a firearm.

(2) On December 27,2000 the state charges were dismissed and
were transfered under federal jurisdiction and I, Petitioner remained
detained at the Metropolitan Detention Center in Brooklyn New York.

(3) On January 22,2001 I had written a letter to my probation
officer Mr. Charles Dotson requesting for the address of Elizabeth
Prevett, Counsel assigned to me on my first § 2255 concerning the
status of my 2255 regarding civil case No. 98-11857-DPW.

(4) No response regarding my lawyer's address was forthcoming.

(5) On July 8,2004 I wrote the Honorable Judge Douglas P.
Woodlock a (Letter) to be construde as a "Writ for error caram nobis"
regarding a status hearing held on May 12,2000 and informing Your
Honor that I have been trying to obtain my assigned counsel's address.

(6) I received a letter from assigned counsel Elizabeth Prevett
dated July 14,2004 informing me that my 2255 motion was voluntarily
dismissed in the matter of civil action case No. 98-11857-DPW.

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(7) After reviewing the letter received by Elizabeth Prevett dated July 14, 2004 I then, for the first time learned that my motion under § 2255 was dismissed by my assigned lawyer.

(8) My assigned lawyer did not keep me informed of any of the correspondence that were actively being submitted to the court regarding my Pending § 2255 and did not inform me about the dismissal of my case.

(9) I at no time informed my lawyer or gave written consent to dismiss my § 2255 motion under civil case No. 98-11857-DPW.

I, Emilio Ramos, swear under Penalty of Perjury Pursuant to 28 U.S.C. § 1746 that the above mentioned statement is true and correct to the best of my knowledge. Signed on this 27th day of February 2005.

Respectfully Submitted,

Emilio Ramos

Emilio Ramos
Reg.#35179-054
U.S. Penitentiary
P.O. Box 1000
Lewisburg, PA 17837

Dated: February 27, 2005

SWORN TO BEFORE ME ON THIS 27TH
DAY OF FEBRUARY 2005.

[Signature] 2-27-05
~~M. Nicholas, Case Manager~~
Authorized by the Act of
July 7, 1955, as amended, to
administer oaths, (18 USC 4004).